

1 Q How long have you occupied this suite of
2 offices?

3 A January of 1998.

4 Q Since January of '98?

5 A Yes, sir.

6 Q Have you ever found this door, and I'm
7 going to use the term "ajar" and let's talk about what
8 that means, less than closed, have you ever found that
9 door open?

10 A Never. You can't. You can't do it.
11 It's too heavy. I mean, it's got -- it's a heavy door
12 and it's got that automatic closing device. It cannot
13 physically be left ajar unless you stick a chair in
14 front of it.

15 Q Okay. All right.

16 A Or your foot.

17 Q Have you ever arrived and found that it
18 was left unlocked?

19 A I'm not sure it was unlocked, but
20 approximately a year ago they had to come and put WD-40
21 on it. It was turned a little bit. And I had Johnny,
22 who was in our maintenance department, come and spray
23 it so that you could easily -- it's one of those push
24 and turn locks, do that.

25 Q Okay.

1 A I don't think it was unlocked, but, you
2 know --

3 Q It was just hard to open?

4 A -- I had trouble pushing it in. I wanted
5 to make sure it was operating properly, about a year
6 ago.

7 Q All right. Just based on your experience
8 over the months of working with Myra Gomez, no doubt in
9 your mind that everything was secured when she walked
10 out July 27th?

11 A None whatsoever.

12 Q All right. Judges have, with rare
13 exception, master keys that fit virtually every suite;
14 is that correct?

15 A Well, except for Gaspar Ficarrotta's.

16 Q Right. That's the exception I was
17 thinking of.

18 A I'm not sure there are any other
19 exceptions. I know his is an exception.

20 Q Okay. When is the last time you used
21 your key to enter another judge's private office?

22 A I never have, not in six years.

23 Q To your knowledge when is the last time a
24 judge used a key to enter your private office?

25 A July 27th of this year.

1 Q Okay. With the exception of that date?

2 A Never to my knowledge. Absolutely
3 unprecedented. I never would do it, and I don't know
4 of anyone else that would.

5 Q If Judge Bonanno had business to take up
6 with you, do you know why he would wait until 5:20 in
7 the afternoon to do so?

8 A No, because he rarely stays that late,
9 rarely, extremely rare.

10 Q You don't work in the same division he
11 works in, is that correct?

12 A I haven't since January 31st of this
13 year.

14 Q There was a file that has been talked
15 about, and I hope I pronounce it properly, the Barbas
16 file?

17 A It's Randy Barbas versus Lorna Maddin,
18 M-A-D-D-I-N.

19 Q That's a file that you had contact with
20 when you were in Family?

21 A I had jurisdiction over that case for a
22 period of time.

23 Q At what point in time did you lose that
24 jurisdiction?

25 A I actually disqualified myself pursuant

1 to Mr. Randy Barbas' motion. He moved to disqualify
2 me. I actually disqualified myself at some point in
3 early either late June or early July.

4 Q Sometime within roughly a month before
5 the July 27th incident?

6 A Correct, that's right.

7 Q What does it mean when you disqualify
8 yourself from a case?

9 A Florida has what I like to refer to as
10 the one-free-shot rule. If you come in and you dot
11 your I's and cross your T's, you can move to disqualify
12 the judge that presides over your case. The first time
13 you do that it's pretty easy.

14 If it's legally sufficient, dot your I's,
15 cross your T's, the judge without a hearing, without
16 taking any evidence, must grant that Motion to
17 Disqualify. You then go to a successor judge.

18 That successor judge is assigned through
19 the blind rotation system. Now, when you get to the
20 second judge, it's a lot harder to get him or her off
21 the case, because then they actually have a hearing to
22 determine whether your allegations are true or not.

23 But even if you lie, if you swear to it,
24 your lawyer signs a certificate of good faith, it's
25 pretty easy to get rid of a judge. Ms. Maddin -- this

1 was a paternity case. They had had a child out of
2 wedlock. He acknowledged paternity, acknowledged it
3 was his child. And so at this point it became a
4 custody battle.

5 It was her first child and his, I think,
6 fourth. He had a prior marriage. And they were never
7 married. It was a relationship. Beautiful, beautiful
8 baby, little girl. And so we had several hearings
9 concerning that matter.

10 He didn't like my ruling on visitation.
11 It was Ms. Maddin's first child. You know, those of us
12 that have children know that babies are oftentimes
13 colicky, they vomit a lot, you know. This baby was
14 diagnosed with apnea. I'm pretty familiar with baby
15 medical records because of my wife's work as a midwife.

16 Lorna Maddin brought in the medical
17 records. I looked at them. It wasn't anything to be
18 alarmed about, but she was a first-time mom. This was,
19 you know, her first child and she was extremely
20 cautious and protective; and he likewise. Very, very
21 loving parents both of them.

22 But I kind of cut back the visitation a
23 little bit because he was a smoker and she was having
24 some bronchial ailments. And I encouraged him to quit
25 smoking. I can't order people to quit smoking, nor

1 would I, but I certainly did encourage it. And I put
2 it in an order, "Please quit smoking." He didn't like
3 my ruling, didn't like me cutting back the visitation.

4 He was still getting visitation, but not
5 quite as much as he wanted. Again, the baby at that
6 point was only about three, four, five months old. So
7 I did what I thought was right. He didn't like it, so
8 he moved to disqualify me.

9 Ms. Maddin had already moved to
10 disqualify a prior judge, so I felt like she had one
11 free shot; I could rule in favor of disqualifying
12 myself. I could really deny it, but I said, you know,
13 let's do what's right and let's send it on down the
14 road to another judge.

15 Now, Randy Barbas' brother is Judge Rex
16 Barbas, who was in the Family Law Division, is now in
17 the Criminal Division. That doesn't mean anything to
18 me. I don't care who your brother, your mother, your
19 sister, your wife is. It doesn't matter to me. You're
20 going to get, hopefully, a smart ruling because I'm
21 half smart. But it doesn't matter to me.

22 And so I did not say I can't touch this
23 case because Rex Barbas might testify. I don't care if
24 Judge Barbas testifies. I'll consider his testimony
25 just like I'd consider anybody else's. And that's what

1 I told the people when they came in the first time.

2 But I disqualified myself late in June
3 and said I'll send it on down the road. It went in the
4 blind rotation system. And then every judge it went to
5 in Family Law said, "Oh, no, I can't touch this case
6 because Judge Barbas might testify, so recusal,
7 recusal, recusal, recusal, recusal."

8 Finally it went to the Acting Chief
9 Judge, which was Judge Robert Bonanno. Judge Bonanno
10 came to me, this was the second time in six years that
11 he's ever visited my office, and said, "Hey, you ruled
12 in June on these two motions. The Order didn't get to
13 you until after you disqualified yourself, but can you
14 go ahead and perform the ministerial act of signing the
15 Orders?"

16 Under Florida law I can do that. I can
17 go back and say this is what I ruled; I can sign that
18 document nunc pro tunc relating back to the date of the
19 hearing or prior to my disqualification, and that's
20 fine under Florida law.

21 I looked at the Orders that were
22 submitted. They had some typographical errors, some
23 things I didn't say. I pen and inked those. I signed
24 them, executed those around the first week in July, I
25 think, relating back to when I disqualified myself.

1 At that point I was done with that case.
2 Under Florida law I can have no further discussions
3 with anyone or no further involvement in that case.
4 That's the law. It goes to whoever the next judge is.
5 They do what they think right from that point forward.

6 Q Do you know if he made any other attempts
7 to discuss that case with you after that date that you
8 signed the Order?

9 A Not to my knowledge.

10 Q Any reason for him on July 27th to want
11 to talk to you --

12 A None, absolutely --

13 Q -- about that case?

14 A In my opinion it would be absolutely
15 improper to further discuss that case. I was done.

16 Q By the way, have I heard somewhere, maybe
17 you mentioned it or read it, that at one point in time
18 you actually did have a file missing from your office?

19 I don't think it was necessarily a legal
20 file, but maybe in one of the FDLE reports there was
21 discussion of a -- you may have a file missing from
22 your office?

23 A I don't recall.

24 Q Okay. All right. That's fair enough.

25 A Again, I keep a lot of files in my

1 office, as most judges do. I've got research files,
2 I've got a lot of military files.

3 Q All right. You know, while all this is
4 going on, I know you've got a healthy regard for Judge
5 Ficarrotta in many respects.

6 A Both of them.

7 Q Okay. And Gaspar is the one I'm thinking
8 of.

9 A Right.

10 Q Is his chambers or his office, is it fair
11 to say that it's located just across the hall --

12 A Yes, sir.

13 Q -- from your private office?

14 A Right.

15 Q You're separated by a hallway?

16 A That's correct, about six feet, eight
17 feet.

18 Q Do you know if he was in on the day of
19 July 27th after five o'clock?

20 A I have no idea. I was at Langley Air
21 Force Base, Virginia.

22 Q Right, I understand. There's reason to
23 believe Judge Bonanno leaves his office. I'm not sure
24 he ever went in or he talked to him, we know they have
25 had prior discussions. They were friends. We know

1 that he then finds your door ajar.

2 A Well, that's what he says. I don't -- I
3 don't buy that.

4 Q If it's 5:20 in the afternoon. The place
5 is -- and when I say the place, actually the whole
6 courthouse in all probability was shutting down; would
7 that be safe to say?

8 A At 4:30 they're shutting down big time.

9 Q All right, yes. If I wanted to take my
10 passkey and open this --

11 A Uh-huh.

12 Q -- if I yelled, "Greg?" or, "Your Honor?"
13 in a reasonable voice, would one be able to hear this
14 wherever they might be in here?

15 A Absolutely. You bet.

16 Q And again, he'd never done that before
17 while you were --

18 A Never. The only two times he visited my
19 office he came right through the main doors, those two
20 doors right there. And actually this one, pardon me,
21 this one is the only one that's ever unlocked. The
22 other we keep locked all the time.

23 Q All right. I got a bit off track. I
24 want to go back to Tara Pisano.

25 A Uh-huh.

1 Q At sometime prior to July 27th, were you
2 aware that Tara Pisano had been keeping what I'm going
3 to refer to as a journal -- now, that may not be the
4 correct term -- diary, journal, notes?

5 A Yes.

6 Q Regarding her relationship with Judge
7 Ficarrota?

8 A Yes, sir.

9 Q Was Judge Ficarrota aware that she kept
10 that?

11 A Yes, sir.

12 Q Was Judge Bonanno aware that that had
13 been prepared?

14 A Yes, sir.

15 Q So --

16 A I say that not based on any specific
17 knowledge, but based upon my belief, number one, Judge
18 Alvarez knew it; number two, Judge Gaspar Ficarrota
19 knew it; and whatever these two knew this one knew.

20 Q Right. I understand.

21 A All right.

22 Q Judge Tara Pisano -- not judge, Bailiff
23 Tara Pisano --

24 A It's either a demotion or a promotion,
25 I'm not sure which.

1 Q -- on occasion would serve as your
2 bailiff; is that correct?

3 A That's correct.

4 Q And that was kind of on an ad hoc or as
5 needed?

6 A It was on an as-needed basis, but
7 generally because Deputy Sylvia Gay, my bailiff, was
8 off on Fridays. She put her 40 to 44 hours in in four
9 days because she worked night court and mediation every
10 week.

11 So from the period of January 31st
12 through about three weeks ago every Friday Deputy Gay
13 would be off, and so I would require the services of a
14 different bailiff. Generally Deputy Tara Pisano, in
15 fact almost without exception Tara Pisano was the
16 bailiff assigned to me every Friday, and then also on
17 an as-needed basis.

18 Q Okay.

19 A If Sylvia had a doctor's appointment or
20 some other duty elsewhere, Deputy Tara Pisano would
21 come in.

22 Q I want to talk about those times when she
23 was not serving as your bailiff.

24 A Okay.

25 Q Would you see her frequently in your

1 office?

2 A Generally, yes, she would come down to
3 visit Sylvia. And although 90 percent of my time is
4 spent here, this is my computer and my -- when I am in
5 hearings in the Family Law Division, this is where we
6 conduct the hearings. We rarely go into the courtroom
7 because almost everything can be done in a hearing
8 room.

9 And if Tara came in, and she would come
10 in on a daily basis to visit from thirty seconds to
11 five minutes during breaks with Deputy Sylvia Gay, they
12 would meet in my break room.

13 I have my own refrigerator here. I have
14 coffee there. They're welcome to help themselves. And
15 they can sit around the table and chat and talk about
16 the paper and whatever.

17 Q Is it fair to say that her visits were
18 quite common, in fact, a daily occurrence?

19 A Yes, sir, every day.

20 Q And she and your regular bailiff were
21 good friends, maybe best friends?

22 A I think so.

23 Q Okay. You were aware of this journal
24 that was being prepared. Do you know -- do you have
25 any knowledge as to whether or not that journal was

1 ever worked on in the break room?

2 A It was.

3 Q Can you tell us why you say that?

4 A Tara when she -- the break-up between she
5 and Gaspar occurred in or about April of '99. And, you
6 know, we, as adults, see things between other adults,
7 but I never questioned that because that was none of my
8 business.

9 Although I thought their relationship,
10 Tara and Gaspar's, was more than professional and more
11 than it should be given their marital status, I never
12 asked them, I never knew anything, I never saw anything
13 specifically that would make me conclude in my mind as
14 a reasonable person, yep, they're having sex or, yep,
15 they're doing this.

16 I thought it was unprofessional. I
17 thought it was a lot closer because they were -- you
18 know, she was changing into her shorts and her workout
19 outfit, they were going over to the Sheriff's gym
20 working out together, going to lunch a lot, going to
21 dinner sometimes. But I never asked and never really
22 specifically knew.

23 When the break-up occurred in April of
24 '99, then it became pretty common knowledge that they
25 had for about a year and a half been having an affair.

1 And then, as the months went on, I would hear more and
2 more with respect to their sexual relationship and
3 other allegations that she was making with respect to
4 Judge Gaspar Ficarrotta.

5 Q And who would you hear that from?

6 A I would hear that both from Sylvia and
7 from Tara. Tara would from time to time, particularly
8 when she served as my bailiff, tell me bits and pieces.

9 And at some point I'd say, "I don't want
10 to hear about that really. I've got to focus on what
11 I'm doing, which is divorcing people, and dealing with
12 child custody and visitation and child support and
13 alimony and all these other issues. And, you know, I
14 need another problem, especially given the Ward thing
15 and the Alvarez thing, like I need a hole in the head.
16 So --

17 Q Would she relate to you specifically that
18 these are things that either were in her journal or
19 that were going to be in her journal?

20 A They were in her journal. And, yes,
21 that's what she relayed to me. At some point shortly
22 thereafter, and I don't remember the exact timing, she
23 had given that journal and what I thought was an entire
24 copy, now I'm not so sure it was everything, to the
25 JQC.